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**Change Notice #1 to Policy A-033**

Protection from Abuse, Sexual Abuse and Harassment  
Effective October 3, 2019


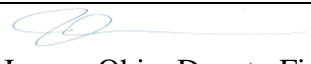
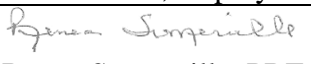
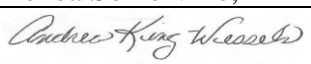
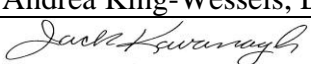
To: All Staff  
From: Jack Kavanagh, Director  
Date: October 3, 2019

Definition

**Strip Search:** A visual body search of an inmate/detainee during which he/she is required to remove all clothing so that a visual inspection can be performed for concealment of contraband.

Staff cannot search or physically examine transgender, intersex or unspecified inmates/detainee residents for the sole purpose of determining their genital status. As noted in PREA Standard §115.15, if an inmate's/detainee's genital status is unknown, and we can determine it through conversations with the inmate/detainee, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Information obtained through this process will determine the sex of the staff that conducts the strip search. Security staff must conduct these searches in a professional and respectful manner; in the least intrusive manner possible, consistent with security needs; and only if a search is needed to occur under exigent circumstances.

HOWARD COUNTY DEPARTMENT OF CORRECTIONS  
POLICY & PROCEDURE

	SUBJECT:	Administration
	P & P #:	A-033
	TITLE:	Protection from Abuse, Sexual Abuse and Harassment
	EFFECTIVE DATE:	October 11, 2019
	REVIEWED BY:	 Janean Ohin, Deputy Field Office Director
	REVIEWED BY:	 Renea Somerville, PREA Coordinator
	REVIEWED BY:	 Andrea King-Wessels, Deputy Director
	AUTHORITY:	 Jack Kavanagh, Director

**POLICY:** It is the policy of the Howard County Department of Corrections (HCDC), through sound security procedures and practices, staff training and inmate/detainee education, to protect the inmate/detainee population from any type of abuse. The Howard County Department of Corrections (HCDC) has **zero tolerance** for sexual abuse and/ or sexual harassment of inmates or detainees either by staff or other inmates/detainees in the Central Booking Facility, Detention Center, where inmates are under escort, or locations of community-based corrections/supervision.

This policy establishes this zero tolerance standard for the incidence of any type of abuse including sexual abuse/assault in accordance with the Prison Rape Elimination Act of 2003 (PREA) and the National Standards to Prevent, Detect and Respond to Prison Rape.

HCDC has established this policy to help prevent, detect, and respond to any incident of sexual abuse or sexual harassment within HCDC facilities. This policy establishes guidelines for action including, but not limited to: staff training and education; reporting and investigative standards, detainee victim services and support; and data collection measures related to sexual abuse in the HCDC.

All reported incidents of **any type of abuse** by staff or other inmates/detainees **or any type** of harassment by staff or other inmates/detainees will be documented and investigated. Employees, contractors, or volunteers who perpetrate, or fail to report, any sexual abuse or sexual harassment as outlined in this policy, will be subject to disciplinary action up to and including termination of employment or services. Cases indicative of possible criminal nature and cases where the inmate/detainee calls \*911 will be referred to the Howard County Police Department for review and possible prosecution.

The Director shall also designate a PREA Program Coordinator (Audit Office Supervisor) who is responsible for overseeing all aspects of the Department's efforts to comply with a zero-tolerance policy. Duties include:

1. assisting with keeping current these written policies and procedures for the Sexual Abuse and Assault Prevention and Intervention Program;
2. assisting with the development of initial and ongoing training protocols;

3. serving as a liaison with other agencies;
4. coordinating the gathering of statistics and reports on incidents of sexual abuse or assault;
5. reviewing the results of every investigation of sexual abuse and conducting an annual review of all investigations to assess and improve prevention and response efforts;
6. reviewing facility practices to ensure required levels of confidentiality are maintained; and
7. advising the Director of any operational/administrative changes which enhance the Department's zero tolerance policy.

**REFERENCES:** Federal Law S 1435 Prison Rape Elimination Act of 2003, Criminal Law Article, Annotated Code of Maryland (various sections); Maryland Commission on Correctional Standards (MCCS) Adult Detention Center Standard .05; Performance Based National Detention Standard (PBNDS) 2011 Section 2.11, HCDC Policies A-007 Standards of Conduct, C-200 Intake, D-300 Classification D-306 Inmate/Detainee Administrative Segregation and Medical Housing, E-402 Searches, H-735 Special Management Unit and K-101 Receiving Detainees.

**REFERENCE:** Breaking the Code of Silence; Correctional Officers Handbook  
[http://www.wcl.american.edu/endsilence/documents/BreakingtheCodeofSilence\\_CorrectionalOfficersHandbook.pdf](http://www.wcl.american.edu/endsilence/documents/BreakingtheCodeofSilence_CorrectionalOfficersHandbook.pdf)

**DEFINITIONS:**

**Authorized Personnel:** refers to all Department staff members, county employees, contractors, professional visitors, volunteers and any other person that has been approved entry into any of the Department's facilities or has direct contact with offenders under the Department's authority.

**Note:** This definition of authorized personnel does not apply to consensual sexual activity between offenders and their personal visitors (e.g. family member, spouse). These activities are prohibited by other departmental policies that prohibit sexual activity and misconduct in departmental facilities at all times.

**Custodial Personnel:** refers to Corrections Certified HCDC staff authorized to perform hands-on physical searches of offenders. Such personnel shall have criminal back ground checks completed to ensure potential perpetrators are not hired. Criminal background checks shall be conducted at least every five (5) years in compliance with PREA Standards.

**Inmate/Detainee/Offender:** refers to those persons legally committed to the HCDC and those housed here under agreement with other agencies (i.e. inmates, CBF detainees, ICE detainees, and USM detainees).

**Perpetrator:** refers to the person responsible for the sexual act, abuse, misconduct, or harassment.

**Victim:** refers to the injured party of the illegal sexual act, sexual harassment, or sexual misconduct.

**Data:** where used herein, refers to the information collected from the appropriate section and processed by the Directors Office regarding incidents or allegations of incidents of illegal sexual acts, sexual harassment, and sexual misconduct.

**Strip Search:** A visual body search of an inmate/detainee during which he/she is required to remove all clothing so that a visual inspection can be performed for concealment of contraband.

Staff cannot search or physically examine transgender or intersex inmates/detainee residents for the sole purpose of determining their genital status. As noted in PREA Standard §115.15, if an inmate's/detainee's genital status is unknown, and we can determine it through conversations with the inmate/detainee, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Information obtained through this process will determine the sex of the staff that conducts the strip search. Security staff must conduct these searches in a professional and respectful manner; in the least intrusive manner possible, consistent with security needs; and only if a search is needed to occur under exigent circumstances.

**Frisk Search:** This search is conducted with the recipient fully clothed. This type of search is conducted by looking and touching in areas where contraband may be concealed under clothing. These searches shall be done in a professional manner by staff of the same sex, absent exigent circumstances.

Any frisk search of transgender/intersex inmate/detainee shall be done by the gender of staff with whom such inmate/detainee may feel they are comfortable with. This shall be documented on the C-200e Admission Record form, Incident Report for post Intake Searches and noted in JMS.

**Body Cavity Search:** This type of search involves a physical intrusion into an individual's body cavities which is conducted in a private setting. It shall only be conducted by licensed medical staff.

## **PROCEDURES**

- I. The entire staff shall be alert to inmates/detainees who might be abused, either physically, sexually or emotionally by other inmates/detainees or staff, and shall take steps to ensure that each inmate's/detainee's safety is protected.
- II. Any, and all abuse of inmates/detainees is prohibited. Disciplinary action shall be taken against staff or inmates/detainees responsible for any abuse. Criminal action may be taken against staff or inmates/detainees responsible for abuse.
- III. Inmates/detainees who are afraid for their well-being or whom the Shift Leader or above determines to be in possible danger from others shall be placed on administrative segregation under protective custody immediately and classification advised of the placement.
  - A. Placement on administrative segregation by the Shift Leader shall be reviewed by the classification team with a recommendation for final approval, in accordance with HCDC Policy D-306 Inmate/Detainee Administrative Segregation and Medical Housing Segregation.
  - B. When it is determined to be in the best interest of the inmate/detainee to maintain closer than normal observation, the inmate/detainee may be considered for placement in the Special Management Unit (See HCDC Policy H-735 Special Management Unit).
- IV. The SallyPort electronic system has a Keep Separate/Active Enemy Report. This report is updated as necessary for each inmate/detainee. Staff shall utilize this information and continually check the Keep Separate/Active Enemy for inmates/detainees that should not be placed together as a protection from possible abuse and harm. This information is to be placed in the inmate/detainee basefile.

V. Defining Sexual Abuse or Harassment

A. For the purposes of educating authorized personnel and offenders as to what conduct constitutes sexual abuse, sexual harassment, and sexual misconduct by staff or other inmates/detainees, the categories below are provided. These also comply with the categories for PREA reporting requirements. The definition of "rape" as required under the Prison Rape Elimination Act of 2003 was operationalized by separating sexual violence into two categories of **offender-on-offender** sexual acts and two categories of **staff sexual misconduct**.

1. Offender-on-Offender Sexual Acts:

- (a) **Nonconsensual sexual acts**, contact of any offender without his/her consent, or of an offender who is unable to consent or refuse; and
- (1) Contact between the penis and the vagina or the penis and the anus including penetration, however slight; or
  - (2) Contact between the mouth and the penis, vagina, or anus; or
  - (3) Penetration of the anal or genital opening of another person by a hand, finger, or other object.
- (b) **Abusive sexual contacts**, contact of any offender without his/her consent, or of an offender who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

2. Staff Sexual Misconduct:

- (a) **Staff sexual misconduct**, any behavior or act of a sexual nature directed toward an offender by **authorized personnel** (see definition). Romantic relationships between authorized personnel and offenders are included. Consensual or nonconsensual sexual acts include:
- (1) Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or
  - (2) Completed, attempted, threatened, or requested sexual acts; or
  - (3) Occurrences of indecent exposure, invasion of privacy, or authorized personnel voyeurism for sexual gratification.
- (b) **Staff sexual harassment**, repeated verbal statements or comments of a sexual nature to an offender by authorized personnel, including:
- (1) Demeaning references to gender or derogatory comments about body or clothing; or
  - (2) Profane, harassing or obscene language or gestures.

B. Inclusions: The terms and conditions as described throughout this procedure will apply to:

1. All employees, interns, volunteers, contractors, official and professional visitors, and agency representatives; and
  2. Though the Prison Rape Elimination Act requires operationalized definitions for reporting purposes, all crimes of a sexual nature may be prosecuted under the proper Maryland laws.
- C. Exclusions: The terms and conditions as described throughout this procedure shall not apply to:

1. The use of custodial personnel's hands or electronic contraband detection devices to perform clothed or unclothed searches of incarcerated offenders in accordance with HCDC Search Policy E-402 Searches, to maintain security and safety within the Detention Center, Central Booking, and under escorting;
2. Custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating a prison sexual abuse; or
3. The use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison sexual abuse; or
4. The use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches to maintain security and safety within the prison, provided that the search is conducted in a manner consistent with constitutional requirements and in accordance with HCDC Policy E-402; or
5. Situations, such as, visual observations made in one's course of duty or assignment.

**Note:** All Medical procedures listed herein, shall be conducted in compliance with National Health Care Commission Standards (NCCHC).

#### **D. Inmate/Detainee Searching (Refer to HCDC Policies E-402 Searches and K-102)**

##### **Frisk Searching of Inmates/Detainees**

1. A frisk search shall be conducted upon all inmates/detainees received at the Detention Center and shall be conducted on-going upon inmates/detainees who are entering or exiting a housing or work area.
  - a. Frisk searches are to be conducted by staff of the same sex as the inmate/detainee. Any frisk search of transgender/intersex inmate /detainee shall be done by the gender of staff with whom such inmate/detainee may feel they are comfortable with. In cases where a same gender officer is not immediately available, the detainee shall be kept separately in a holding cell until a search can be conducted.

##### **Strip Search of Inmates/Detainees**

1. Strip searches are to be conducted by staff of the same sex as the inmate/detainee unless, directed otherwise by the Security Chief, Deputy Director or Director or during an emergency life and death situation which must be documented.

**Note:** For sexual identification staff shall use the gender noted on the inmate/detainee government issued identification. If such documentation is not available the searching officer shall contact the Shift Leader who shall contact the Security Chief, Deputy Director or Director for further direction.

As noted in the PREA Standard §115.15 (e) the following shall occur: If the inmate/detainee genital status is unknown it may be determined during conversation with the inmate/detainee, by reviewing medical records, or if necessary by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

2. Staff shall conduct strip searches in a professional manner that is least degrading to the inmate/detainee.
3. Strip Search Log Books entries shall consist of: Date, time, inmate/detainee last and first name, ID number, search officers printed name, initials and if any contraband was found. Strip searches shall also be recorded in SallyPort.
4. The assigned Shift Leader, Assistant Shift Leader or assigned designee on each shift shall be responsible for ensuring the Strip Search Log Books are checked, complete and correct daily by log entry.

### **Body Cavity Search**

A body cavity search involving manual or instrument inspection of body cavities shall be conducted by licensed Medical Staff. Prior authorization must be obtained through the Director, Deputy Director or Security Chief and only after reasonable suspicion has been established and all other means to affirmatively detect or remove contraband have failed. Documentation by an Incident Report is required. Inmates/detainees requiring a body cavity search shall be held in a suitable, secure dry holding area (without, toilet or sink operating) where he/she may be observed until the body cavity search takes place.

### **E. Inmate/Detainee Orientation**

1. The orientation process and materials supplied during orientation ensure offenders are made aware of the agency's **zero-tolerance** policy regarding to illegal sexual crimes, inclusive of sexual abuse and sexual harassment by other inmates/offenders or staff and being encouraged to immediately report any concern or fear of possible sexual crimes to any correctional staff member, including a correctional staff member other than an immediate point-of-contact line officer or staff member. Reports can also be made to the Hope Works Hot Line, the established internal hotline or to any treatment staff member.
2. This orientation shall stress “**zero tolerance**”. No authorized personnel member shall demean the situation through any type of humiliation, harassment, or other form of retaliation.
3. Inmate/detainee orientation shall include that victims of a sexual crime should try to preserve as much physical evidence of the crime as possible. Prior to reporting a sexual crime, there should be no showering, washing, etc., of the body and/or clothing or bed linen.
4. Although offenders will be encouraged to report these incidents immediately and in person, any allegation or report of sexual abuse or sexual harassment shall immediately be referred to the Shift Leader.
5. Those offenders that wish to anonymously report allegations of sexual abuse or sexual harassment may do so in any manner or format that is comfortable to the offender (e.g. letter, and the Department’s PREA Coordinator or kiosk to a counselor, chaplain, or other

staff member, etc). This may also be reported to the in house hot line \*911 on the inmate/detainee telephone or calling (toll free) the Hope Works Sexual Assault 24-hour Helpline 410-997-3292.

6. Within thirty (30) days of inmate/detainee's commitment to the detention facility, comprehensive orientation will be received.

F. Prevention and Training

1. While staff is required to report incidents of sexual abuse and sexual harassment, it does not have to go through the Department's Chain of Command. Employee's can privately and confidentially report such conduct to any administrator or supervisor without fear of retaliation for not following the Chain of Command. Such concerns may also be reported directly to the Howard County Police Department, the Howard County Hope Works Center or to the Department's PREA Coordinator.
2. Through this policy and assignment of training responsibility, the Director ensures that all authorized personnel are informed, regarding the agency's **zero-tolerance** policy to sexual abuse and harassment.
3. The HCDC Training Captain shall ensure that all new employees, contractors and volunteer orientation curriculums incorporate and train all new correctional employees and other authorized personnel that shall work in any of the department's facilities in the department's **zero tolerance** philosophy and policy regarding sexual abuse and harassment. Yearly training shall be conducted to stress the importance of prevention and the reporting of any allegation or act of sexual abuse and harassment as outlined throughout this procedure. This training may include dissemination of handouts/brochures related to the department's **zero-tolerance** policy on Sexual Acts/Misconduct in the workplace and/or the reading of these procedures. The Training Captain shall also ensure that all staff within six (6) months of their hire date read the Correctional Officer's handbook "Breaking the Code of Silence." This shall be documented in each staff member's training file. All employee's contractors and volunteers must sign the PREA Mandated Disclosure Form A-017a.
4. The Immigrations Custom Enforcement (ICE), Enforcement Removal Operations (ERO), Field Office Director (FOD) or his/her designee shall be notified within two (2) hours by the HCDC PREA Coordinator/designee.
5. All correctional staff shall ensure that they foster an environment within HCDC facilities that clearly precludes sexual abuse and harassment. This includes, but may not be limited to:
  - (a) Taking all reports concerning alleged sexual abuse and harassment seriously;
  - (b) Providing interpreters or sign language experts as appropriate;
  - (c) Initiating immediate reporting of alleged sexual abuse and harassment to the Directors Office HCDC via the Shift Leader;
  - (d) Taking immediate steps to ensure securing the crime scene and preservation of evidence; to include but not be limited to:
    - (1) not allowing the inmate/detainee to wash or shower;



- (2) not allowing the inmate/detainee to remove clothing without medical supervision;
  - (3) not allowing the inmate/detainee to use the restroom, or consume any liquids (to preserve evidence);
  - (4) identifying potential witnesses; and
  - (5) limiting the need to only those authorized access those authorized to an area where an assault occurred.
- (e) Taking all appropriate measures to ensure the safety of a victim who may have been sexually abused or harassed or of a person who may have reported an incident of sexual abuse or harassment of another person; and
- (f) Ensuring non-harassment and non-humiliation of alleged victims or informants of alleged sexual abuse or harassment regardless of the status of the victim.
6. Correctional staff shall ensure that in accordance with HCDC Policy C-200 Intake, upon entering the Detention Center, a screening for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior of each offender is conducted. This screening will ensure:
- (a) Inmate/detainees who pose a credible threat to other offenders or pose a special risk to the security and order of the facility or are at risk for victimization, are housed appropriately to minimize potential conflict to include protective management of victims and close management of perpetrators if appropriate;
  - (b) Inmate/detainees identified as at risk for sexual victimization are assessed, monitored, and counseled by mental health staff or any other qualified professional; and
7. Any correctional staff member who has reason to believe that an offender, who either demonstrates sexually assaultive behavior or poses a risk for sexual victimization, even though an incident may not have occurred, shall notify the Shift Leader. The shift leader shall ensure that the offender is placed on Administrative Segregation and prepare a report with a copy to the classification unit, to document the circumstances of the placement. Classification status shall review such placements within two (2) days (excluding weekends and holidays).

#### G. Screening

1. Newly received detainees (at CBF and inmates at HCDC) shall have a PREA screening completed at intake to assist in identifying vulnerable or predatory offenders. Staff either at CBF and/or HCDC shall utilize the CBF/HCDC PREA Screening Form HCDC A-033b attached as Appendix 2. Screening staff shall complete sections 1 through 10 of the form. Staff shall check-off the required answers and provide additional information where requested on the form.
2. The PREA screening form shall be completed for all detainees processed at CBF.
3. The PREA screening form shall also be initiated for all inmates/detainees received at HCDC and **not** previously screened at CBF.

4. For inmates screened at CBF and subsequently transferred to HCDC, the screening form shall accompany the inmate and be reviewed and updated by the Commitment/Intake officer and again by the classification counselor during initial classification. Staff at these subsequent reviews shall sign in the space indicated on the form.

#### H. Reporting Incidents/Allegations

Employees, contractual staff, contractors, volunteers and inmates/detainees are responsible to report any abuse or threat to the safety of any inmate/detainee to the Shift Leader, department supervisor, or above immediately upon knowledge of such abuse.

1. HCDC investigates all allegations of sexual abuse and harassment, to include those received from other agencies/facilities.
2. All allegations of sexual battery, sexual abuse and/or harassment shall be reported by the Shift Leader to the on-call Administrator as soon as possible but by no later than the end of the shift. Written reports shall be prepared by all staff/inmates involved prior to the end of the shift. All such incidents will be investigated by the Howard County Police Department as established by MOU. The Department's PREA Coordinator shall track the progress and outcome of all police investigations. Such monitoring will include notification to the Director of any problems with tracking such cases.
3. In all instances of incidents involving alleged sexual abuse and harassment, the Shift Leader shall notify the on-call Administrator immediately. Written reports shall be prepared by all staff/inmates/detainees involved prior to the end of the shift.
4. The alleged perpetrator shall be managed in accordance with established policies, HCDC D-306 Inmate/Detainee Segregation, and procedures pending a complete and thorough investigation and disciplinary process, inclusive of external charges, if applicable.
5. Any authorized personnel member including, but not limited to medical, addiction, Chaplain, education, mental health staff, social service and social work practitioners, who has knowledge of or is receiving information, written or verbal, regarding the fear, coercion or actual sexual abuse, harassment, or misconduct must immediately notify the Shift Leader who then shall take immediate steps to evaluate the victim's concern/allegation. The Shift Leader shall ensure proper medical treatment (if applicable) and the safety of the victim by means provided in department policy and procedures.
6. Any correctional staff member who fails to report or take immediate action regarding such incidents, or intentionally inflicts humiliation toward the victim or informant, or trivializes a report of alleged sexual abuse or harassment shall be subject to the appropriate level of discipline, up to and inclusive of termination of employment, as outlined in HCDC Policy A-007 Standards of Conduct and Howard County policy.
7. Inmates/detainees who have been a victim of a sexual abuse and/or harassment or are aware of an incident of sexual abuse or harassment by authorized personnel should immediately report the incident to the nearest correctional staff member or by any other means they feel comfortable with (e.g. letter or kiosk message to chaplain Department's PREA Coordinator, or other program staff, hotline numbers, etc). This can also be

reported to the in-house hot line \*911 or the Hope Works Sexual Assault 24-hour Helpline 410-997-3292. These, are toll-free numbers. All reasonable measures to secure the safety and confidentiality of the victim/offender shall be implemented. This can include transfer to another facility.

8. The facility will not discipline a detainee for sexual contact with staff unless there is a finding that the staff member did not consent.
9. Detainees who report sexual abuse, made in good faith based upon a reasonable belief that the alleged conduct occurred, does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
10. Staff first responders shall also ensure the preservation of any such evidence by securing the site of the crime (if possible) and the clothing or any other items of the victim and the perpetrator (if known), which may be pertinent to an investigation by law enforcement personnel. Items should be placed into paper bags and the chain of custody should be maintained at all times.
11. If the victim does not make the allegation until he/she arrives at a medical department, medical staff shall immediately notify the Shift Leader.
12. If an inmate/detainee makes a report of alleged sexual abuse where the incident occurred outside the department's control (within the community not involving authorized personnel):
  - (a) These reports/allegations shall be referred to local law enforcement authorities; and
  - (b) In this instance, this procedure is not applicable to the incident.
13. If the alleged sexual abuse occurred more than forty-eight (48) hours prior to the reporting of the incident, the Director shall be notified before initiating the post-sexual battery guidelines as described in this procedure (see below). It is understood that even though the incident may have occurred more than forty-eight (48) hours before reporting, there may still be evidence that exists that will be helpful in the investigation and can be collected.
14. If the alleged sexual abuse occurred while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency/facility where sexual abuse is alleged to have occurred as soon as possible, but no later than 72 hours after receiving the allegation. Notification shall be documented and kept on file in the Audit Office.

#### I. Post Reporting of Incidents/Allegations

The following steps should be taken after receiving an allegation of sexual abuse, harassment, or misconduct:

1. First responders shall immediately ensure the safety of the reporter, secure the scene of the incident (if applicable) and immediately contact the Shift Leader. The Shift Leader shall utilize the CBF/HCDC Coordinated Response Plan attached as Appendix 1 at a minimum for action steps to be followed.

2. The Shift Leader shall immediately converse with the victim to determine whether the collection of physical evidence is indicated. If physical evidence is indicated, the Shift Leader shall take all necessary steps to ensure the preservation of evidence. The Shift Leader shall immediately contact the on-call Administrator and PREA Coordinator.
3. If the conclusion of an internal investigation implicates criminal conduct, the Director/designee shall call the Howard County Police Department and request a unit to respond to the facility to investigate allegations of sexual abuse. The Department has a Letter of Agreement with the Police Department to conduct such investigations. Investigations into the crime of "Indecent Exposure to Correctional Employee" shall in most cases be handled by referring the employee to the District Court Commissioner to make application for Statement of Charges and ensuring a Notice of Infraction is written and served.
4. In the cases of sexual abuse where physical evidence may be still available, the inmate/detainee and perpetrator shall be directed to not shower, wash, use the toilet, eat or drink if possible. Additionally, they should be advised not to change clothing or bed linen.
5. Preservation of evidence in these cases is paramount. To that end, no attempt shall be made by internal medical care providers to clean or treat the victim unless the injuries are such that not treating them would cause deterioration of the victim's medical condition.
6. The inmate/detainee victim shall be transported and/or required to go to the emergency room as soon as possible. Hospital staff shall provide an "advocate" for the inmate/detainee victim. All examinations shall be conducted by a Sexual Assault Nurse Expert or Sexual Assault Forensic Expert.
7. Correctional personnel shall ensure that Law Enforcement personnel accompanying an offender victim to the emergency room request that a Forensic Medical Exam is completed.
8. For inmate/detainee victims, HCDC medical staff shall ensure all necessary written documents are completed with the above actions completely and accurately listed, as they have occurred and will maintain these documents in the offenders' medical record.
9. Upon the inmate/detainee victim's return to the facility, medical staff shall make a mental health referral for evaluation and counseling, at a minimum, for the next working day which mental health staff is working. The Hope Works Center shall also be contacted to provide on-going counseling and treatment. Medical staff must ascertain what tests the offender received at the emergency room. Copies of those results shall be obtained and placed in the offenders' medical record.
10. As permitted by law, for inmate victims and perpetrators, medical staff will ensure provisions are made for testing for sexually transmitted diseases, unless already completed by emergency room personnel.
11. Regardless of the results of the tests, preventative and protective education, including symptoms and transmission shall be provided to inmate/detainee victims and alleged offender perpetrators and treatment shall also be offered, as appropriate.

## J. Investigation Requirements

1. The Department shall request that a prompt, thorough, objective, and fair investigation be conducted by qualified law enforcement investigators for every allegation of sexual abuse. The Department has a Letter of Agreement with the Howard County Police Department for such investigations.
2. The Department shall ensure that all allegations of sexual abuse involving potentially criminal behavior are referred for investigation by the Director/ Designee to the Howard County Police Department, and shall document all referrals. The agency shall impose a standard of preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.
3. At no cost to the detainee, the facility administrator shall arrange for the victim to undergo a forensic medical examination. All collected forensic evidence must be secured and processed according to the facilities established plan for maintaining the chain of custody for criminal evidence. A written summary of all medical evidence and findings shall be completed and maintained in the detainee's medical record.
4. Following an alleged sexual abuse investigation, the agency shall inform the inmate in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
5. For ICE detainees, the agency administrator shall coordinate as necessary with the ICE Office of Professional Responsibility (OPR) and/or criminal investigative entities responsible for investigation of the incident.
6. If any of these requirements cannot be met, the Department will consult with the ICE Field Office Director to determine if ICE can provide additional assistance.

## K. Discipline of Authorized Personnel

1. Authorized Personnel shall strictly adhere to this policy. Personnel shall ensure that his/her conduct does not constitute or promote sexual misconduct;
2. Failure of authorized personnel to report an allegation, facts, and/or circumstances that would lead a reasonable person to believe that sexual abuse or harassment is occurring or has occurred; or failure of an employee to cooperate in an investigation of sexual misconduct against themselves or any other person, shall be subject to disciplinary action in accordance with HCDC Policy, Howard County code and/or Maryland State Law;
3. Authorized personnel who become involved in sexual misconduct shall be subject to disciplinary action in accordance with HCDC policy and Howard County Code, up to and including dismissal, and may be subject to prosecution under Maryland State Law;
4. Authorized personnel involved in sexual misconduct, who are not employees, shall lose their privilege to enter the facility;
5. Any unethical act/behavior of sexual harassment or sexual misconduct committed by HCDC licensed professional staff or other authorized personnel shall, upon substantiated allegation, also result in reporting the matter to the professionals licensing agency.

## L. Case Records and Data

1. All case records associated with claims of sexual abuse, harassment, and/or misconduct, including incident reports, investigative reports, perpetrator and victim information, case disposition, medical and counseling evaluation findings, recommendations for post-release treatment and/or counseling shall be retained in the Director's office for a period of ten (10) years after the date the investigation concluded.
2. The Director or designee is responsible for gathering and providing data mandated under PREA.

## M. Victim Services

The Department shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse.

1. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
2. The Department shall provide such victims with medical and mental health services consistent with the community level of care.
3. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy test.
4. If pregnancy results, such victims shall receive timely and comprehensive information about the timely access to all lawful pregnancy-related medical services.
5. Inmate/detainee victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
6. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
7. The Department shall attempt to conduct a mental health evaluation of all known inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.
8. The Department shall closely monitor the conduct or treatment of inmates/detainees or staff who report sexual abuse and of inmates/detainees who have suffered from sexual abuse and inmates/detainees who have cooperated with investigations for a minimum of 90 days (longer if recommended by treatment staff) to see if there are changes that would be a result of retaliation by inmates/detainees or staff. Supervisors shall be designated by the Director as well as treatment staff to monitor such conduct.
9. Following an inmate's/detainee's allegation that he or she has been sexually abused by another inmate/detainee while confined to the Department, the Department shall inform the alleged victim in writing whenever: The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or the

Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

#### N. Coordinated Response Plan

The Department shall ensure there is a coordinated response to any incident of sexual abuse. These coordinated response steps may be in other sections of the policy as well).

1. Staff who believes that an inmate may be a victim of sexual assault shall immediately report such information to his/her supervisor and/or Shift Leader. It may also be reported to outside sources as noted in Section I. E.
2. The Shift Leader shall ensure that all potential evidence is preserved (see check list). The Shift Leader shall also ensure the safety of the inmate/detainee victim is immediately addressed. Staff shall separate the victim from the perpetrator. The Shift Leader shall do a credibility assessment to ascertain if the allegation of sexual assault is plausible. If the assault is not plausible then the Shift Leader shall write an Incident Report indicating why the allegation is not plausible. The Shift Leader shall also consider referring the individual to Mental Health for further follow-up as necessary.

An example of an implausible allegation is an inmate/detainee who is claiming he/she was sexually assaulted and evidence, either video or through observation by staff, clearly shows the alleged assault is impossible.

Pending the outcome of the credibility assessment the inmate shall be placed in SA2 under direct observation by staff.

3. If applicable, the medical staff shall be notified of the need for medical services. If a forensic exam is required, the inmate/detainee shall be transported to the Howard County General Hospital where the exam will be conducted by a Sexual Assault Nurse Examiner (SANE). The hospital will ensure a sexual assault advocate is present during the exam. Supervising correctional officers will allow the advocate to be available during the SANE exam.
4. The Shift Leader shall also take the following actions:
  - (a) Preserve all evidence;
    - (1) Brown paper bags can be located in the Main Control Center and shall be used for the preservation of evidence.
  - (b) Gather reports from staff/inmate witnesses;
  - (c) Segregate any known assailant;
  - (d) Ensure the victim is safe;
  - (e) Notify the Chief of Security, Deputy Director and/or Director;
  - (f) Review video to substantiate claim; and
  - (g) Contact the Howard County Police Department to report the assault.
5. Medical staff shall ensure the victim inmate is offered testing for sexually transmitted diseases and as applicable pregnancy testing. The victim inmate/detainee is also to be provided needed medications without charge for the medications.

6. Any victim of sexual assault shall be provided mental health services and/or sexual assault counseling free of charge. The Hope Works Center has agreed to provide counseling to inmate/detainee's sexual assault victims if requested by the victim.
7. Throughout this coordinated response, the inmate/detainee victim shall be treated with respect and receive a level of care consistent with that provided in the community.

O. Sexual Abuse Incident Review Requirements

1. The facility PREA Coordinator shall, together with upper-level management officials, medical and mental health practitioners, conduct a sexual abuse incident review after every sexual abuse investigation to assess and improve prevention and response efforts.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. In conducting the review, the PREA Program Coordinator shall seek input from line supervisors, investigators, and medical or mental health practitioners.
4. The review team shall:
  - (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  - (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - (d) Assess the adequacy of staffing levels in that area during different shifts;
  - (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - (f) Prepare a report of findings and any recommendations for improvement and submit such report to the facility administrator.
5. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

P. Data Collection and Reporting Requirements

1. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling, shall be maintained in the Audit Coordinator's office.
2. Two types of files regarding incidents of sexual abuse shall be maintained:
  - (a) General files which include:
    - Information about the victim(s) and assailant(s) of a sexual assault (including the race, nationality, age, and gender of the individuals)



- Crime characteristics (including the date, time, location, and nature of the incident)
- Detailed reporting timeline, including the name of the staff member receiving the report of sexual assault, date and time the report was received, and steps taken to communicate the report up the chain of command
- All formal and/or informal action taken (including housing/custody placements, health care referrals, etc.)

(b) Administrative investigative files include:

- All reports
  - Medical forms (including documentation of any injuries sustained, and examinations, testing, or treatment administered)
  - Supporting memos and videotapes, if any
  - Any other evidentiary materials pertaining to the allegation
3. All information shall be shared only on a need-to-know basis with staff involved in the treatment of the victim or the investigation of the incident.
  4. The PREA coordinator shall review aggregate data on an annual basis, and present the findings to the Director and ICE Field Office Director and ICE/ERO headquarters for use in determining whether changes may be needed to existing policies and practices to further the goal of eliminating sexual abuse.
  5. The facility's aggregate data, after approval by the director/designee, shall be made available on the HCDC website.

## **VI. Directors Prerogative**

The Director has the authority to revise/change a policy or post order as needed to meet the operational demands of the Department. As the changes are initiated, they may be communicated by an email, memoranda or in rare circumstances verbal due to unforeseen situations.

**ATTACHMENTS:** Appendix 1, CBF/HCDC Coordinated Response Plan, HCDC Form A-033a. Appendix 2, CBF/HCDC PREA Screening, HCDC Form A-003b.

**RESCISSIONS:** HCDC Policy H-701 Protection from Abuse combined with HCDC Policy A-033 Protection from Sexual Abuse and Harassment, latest revision **August 21, 2018.**

Howard County Department of Corrections

CBF/HCDC Coordinated Response Plan  
Prison Rape Elimination Act (PREA) of 2003

Facility: (CBF/HCDC)

Alleged Victim (Name / Number): \_\_\_\_\_

Alleged Aggressor (Name / Number if Inmate(s)): \_\_\_\_\_

DATE	TIME	Required Activities
<b>INITIAL REPORT OR ALLEGATION OF SEXUAL ABUSE</b>		
		<input type="checkbox"/> First responder ensures safety of inmate from alleged aggressor and notifies shift.
		<input type="checkbox"/> Security escorts inmate to Health Services immediately.
		<input type="checkbox"/> Health Services stabilizes / assesses victim.
		<input type="checkbox"/> Inmate is not allowed to shower, remove clothing without medical supervision, use the restroom, or consume any liquids (in order to preserve evidence).
		<input type="checkbox"/> Shift supervisor notifies the Director/designee.
		<input type="checkbox"/> Shift supervisor or investigator obtains a brief statement from the alleged victim, while in the Health Services Department.
		<input type="checkbox"/> If report is within 72 hours of physical abuse/penetration, shift supervisor and medical staff ensure victim is transported to outside medical provider for evidence collection/treatment.
		<input type="checkbox"/> If the alleged perpetrator is an inmate, security staff ensures they are placed in a single cell (if available) in the event evidence collection is required.
		<input type="checkbox"/> Evidence collected shall be placed in a labeled brown paper bag located in the Main Control Center.
		<input type="checkbox"/> When warranted the Director/designee notifies the Howard County Police Department of the allegation and asks for guidance in crime scene preservation and coordinating the investigation.
		<input type="checkbox"/> The Shift Leader notifies the hospital of need for Sexual Abuse Nurse Examiner (SANE) service.
		<input type="checkbox"/> The Director/designee assures documentation is completed within 48 hours of the initial report or allegation of sexual abuse on the PREA Allegation Screen.
<b>INITIAL PREA REVIEW (48 TO 72 HOURS AFTER REPORT)</b>		
		<input type="checkbox"/> The Director/designee convenes a preliminary review of the response to the incident involving the Director, Deputy Director, facility investigator, and the Central Office PREA Coordinator.
		<input type="checkbox"/> If the alleged incident involves a staff aggressor, confirm the employee

## Howard County Department of Corrections PREA Screening

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Booking #: \_\_\_\_\_ HCDC Inmate/Detainee #: \_\_\_\_\_

Reason for Screening: \_\_\_\_\_ Intake at CBF \_\_\_\_\_ Intake at Commitment

### Inmate Self-Reported Information

<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Other</b> _____	1. Language/ Communication: Does the inmate speak English? If not, note what language or impairment.
<input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Female</b> <input type="checkbox"/> <b>Transgender</b> <input type="checkbox"/> <b>Intersex</b> <input type="checkbox"/> <b>Gender-Nonconforming</b> <input type="checkbox"/> <b>Other</b> _____ <input type="checkbox"/> <b>Unspecified</b> _____	2. What is the inmate's/detainee's personal gender identification? If none, please indicate unspecified. On 10/1/19 Maryland law allows for unspecified sexual identification on State ID.
<input type="checkbox"/> <b>Heterosexual</b> <input type="checkbox"/> <b>Gay</b> <input type="checkbox"/> <b>Lesbian</b> <input type="checkbox"/> <b>Bisexual</b> <input type="checkbox"/> <b>Unspecified</b>	3. What is the inmate's/detainee's sexual orientation? If none, please indicate unspecified. On 10/1/19 Maryland law allows for unspecified sexual identification on State ID.  <b><i>Note: If the inmate/detainee answers or is perceived to be Gay, Lesbian, Bisexual, Transgender, Intersexual, Gender Nonconforming/or unspecified place in single cell.</i></b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	4. The inmate/detainee stated he/she is in the process of medical procedures (sex change) or hormonal therapy? <b><i>Note: If yes, single cell.</i></b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	5. Is the inmate/detainee small in physical stature and need to be warranted special housing?
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	6. Is this the inmate's/detainee's first incarceration?
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	7.A Has the inmate/detainee ever been the victim of sexual assault? 7.B. <b><i>If yes, single cell, unless the assault was more than 5 years ago, ask the inmate/detainee if he/she would prefer to be single celled.</i></b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	8.A. Has the inmate/detainee ever been the victim of sexual assault while incarcerated? <b><i>Note: If yes, single cell and ask:</i></b> 8.B. Would the inmate/detainee like to be referred to mental health for a follow-up? <b><i>Advise the inmate he/she can also request to see mental health staff later if desired.</i></b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	9. Does the inmate appear to express gender nonconformance traits verbally or nonverbally? <b><i>Note: If yes, single cell.</i></b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	10. Does the inmate/detainee appear: A. Frightened/fearful or expresses any fears? B. To be impaired by drugs or alcohol? C. To have mental health/developmental or physical disabilities? <b><i>Note: If yes to any answers, single cell.</i></b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	11. Has the inmate/detainee ever been charged or convicted of <u>any</u> sexual offenses with an adult or child victim? <b><i>Note: If yes, single cell.</i></b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	12. Weekenders may be allowed dorm housing, unless he/she expresses a fear or concern. Is this a weekender override?
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	13. Is the inmate/detainee detained solely for immigration purposes?

CBO Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CCO/Intake Officer Review:

**No changes**

**Changes:** \_\_\_\_\_

CCO/Intake Officer Review: \_\_\_\_\_ Date: \_\_\_\_\_

### Counselor Review of Criminal History

<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	1. Is the inmates'/detainees' criminal history exclusively nonviolent?
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	2. Does the inmate/detainee have a criminal history of sexual offenses?

### Counselor Review of Self-Reported Information

<input type="checkbox"/> <b>No changes</b>
<input type="checkbox"/> <b>Changes:</b> _____
_____
_____

Counselor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reassessment: \_\_\_\_ Incident \_\_\_\_ Additional Information

Date: \_\_\_\_\_

Action (If Appropriate): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title